

REMARKS

By this amendment, claims 1-25 are pending, in which claims 1, 5, 7, 11, 20 and 24 are currently amended. Care was exercised to avoid the introduction of new matter.

The Office Action mailed September 27, 2004 rejected claims 1-4, 7-10, 14-17 and 20-23 under 35 U.S.C. § 102 based on *Danielson et al.* (US 6,473,795), claims 5, 11, 18 and 24 as obvious under 35 U.S.C. § 103 based on *Danielson et al.* in view of *Feltcher et al.* (US 6,085,243), and claims 6, 12, 13, 19 and 25 as obvious under 35 U.S.C. § 103 based on *Danielson et al.* in view of *Touboul et al.* (US 6,658,465).

Per the Examiner's suggestion, Applicants have amended the Specification and Drawings to correct discovered informalities.

In the interest of expediting prosecution, Applicants have amended independent claims 1, 7 and 20. As amended, independent claims 1 and 20 recite "receiving information relating to **configuration parameters for configuring a platform within the communication system to provide performance enhancing functions** relating to performance of the communication system, the configuration parameters being specified in a profile of the platform configured to support the performance enhancing functions." Claim 7 now recites "a platform configured to provide performance enhancing functions relating to performance of the communication system, the platform having a profile that specifies **configuration parameters for configuring the platform with respect to the performance enhancing functions.**"

By contrast, *Danielson et al.* discloses, per the Abstract, an in-band/out-of-band alert delivery system for a computer system manager that includes an alert log which maintains a record of alerts to be delivered and the status of those alerts. The system has an alert manager for making a first attempt to deliver each alert, and a retry manager for making subsequent attempts to deliver alerts as becomes necessary and appropriate. The alert delivery system may also include a bus master interface manager for making in-band alert deliveries and a communications manager for making out-of-band alert deliveries. Telephone numbers are provided to the communications manager by an alert destination list. Out-of-band alert deliveries may be made via a modem, a universal asynchronous receiver transmitter, or the like.

Accordingly, the *Danielson et al.* system relates to the delivery of alerts, without any mention of "performance enhancing functions," much less "receiving information relating to **configuration**

parameters for configuring a platform within the communication system to provide performance enhancing functions relating to performance of the communication system, the configuration parameters being specified in a profile of a platform configured to support the performance enhancing functions.”

The Office Action, on page 2, refers to col. 6: 50-76, for a supposed disclosure of “configuration parameters.” Applicants respectfully disagree, as this passage bears no relevance to any capability to configure anything, much less the claimed “configuration parameters.” The cited passage states the following (*Emphasis Added*):

Promptly upon **receiving a new alert**, the alert manager 58 has the fact that the **alert was received entered into an alert log 66**. The alert manager 58 then makes a first effort to deliver the alert, either in-band via a bus master interface master 68 (a card between software layers and hardware in the management system) or out-of-band via a communications manager 70. The communications manager 70 may, and likely would be, a piece of code in board 13. **Telephone numbers are required to deliver out-of-band alerts**; thus, an alert destination list 72, comprising such numbers, is associated with the alert manager 58 and the communications manager 70 to transmit as and when appropriate, telephone numbers for out-of-band alerts. **The communications manager 70 may direct the operation of other components to deliver out-of-band alerts**. Such components may be a modem 72 and/or a universal asynchronous receiver transmitter (“UART”) 74 as shown in FIG. 3.

For the above passage, Applicants do not understand how such a passage can be interpreted to disclosure “configuration parameters,” as the passage merely discusses how alerts are processed.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Danielson et al.* fails to anticipate independent claims 1, 7 and 20, particularly as amended.

Turning now to the obviousness rejections, Applicants submit that the addition of *Feltcher et al.* and *Touboul et al.* does not cure the deficiencies of *Danielson et al.* *Feltcher et al.* was applied for a supposed teaching of “at least one of a TCP spoofing, a backbone protocol, a prioritization or a path selection parameter” (Office Action, page 4). *Touboul et al.* was applied for a supposed teaching of “selectively storing the information at least within the platform and within a database that is separate from the platform,” and does not fill in the gaps of *Danielson et al.*

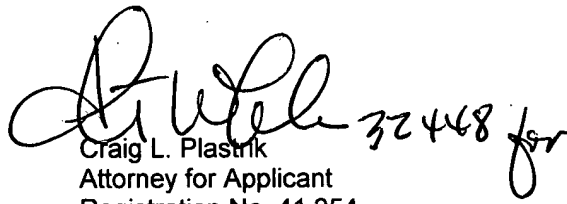
Moreover, Applicants respectfully disagree with the Examiner’s interpretation with respect to *Feltcher et al.*, as the cited passage col. 4: 11-65 and Figures 1-3 make no mention of any of the claimed parameters. In fact, this cited passage is simply irrelevant.

In view of the foregoing, even assuming the references were properly combined as suggested by the Examiner based on some teaching or suggestion in the references, and assuming the modifications proposed in the Office Action were justified by additional teachings or suggestions found in the references, even the combinations do not render the claimed invention obvious.

Furthermore, Applicants respectfully remind the Examiner of 35 U.S.C. § 132, which requires the Director to "notify the applicant thereof, stating the reasons for such rejection." This section is violated if the rejection "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 15 USPQ2d 1333 (Fed. Cir. 1990). This policy is captured in the Manual of Patent Examining Procedure. For example, MPEP § 706 states that "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity." Furthermore, MPEP § 706.02(j) indicates that: "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond." Unfortunately, the Examiner relies on vague references to seemingly irrelevant passages to support the various rejections.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 428-7172 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Craig L. Plastrik
Attorney for Applicant
Registration No. 41,254

HUGHES ELECTRONICS CORPORATION
Patent Docketing Administration
P.O. Box 956
Bldg. 1, Mail Stop A109
El Segundo, CA 90245-0956

AMENDMENT TO THE DRAWINGS

Please replace FIGs. 5, 8, 10, and 16 with the attached Replacement Sheets to correct discovered informalities.